



# Town of Carlisle

MASSACHUSETTS 01741

Office of

## PLANNING BOARD

### MINUTES

February 25, 2002

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**Report from Selectmen's Meeting: 2/12/02**

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**Update of "informal conceptual plan" for subdivision of land at 570 West Street, Map 6, Lot 66**

**Discussion of strategy with regard to pending litigation, Valchuis et al. v. Planning Board, Berry Corner Lane, Map 7, Parcel 29 (executive session)**

Chair Michael Abend called the meeting to order at 7:30 p.m. in the Clark Room at Town Hall. Board Members Louise Hara (Clerk), Dan Holzman, Tom Lane (Treasurer), Kate Reid and Phyllis Zinicola were present. Michael Epstein (Vice Chair) was not present this evening. Planning Administrator George Mansfield, Administrative Assistant Anja Stam and Mosquito reporter Susan Yanofsky were present.

Reid moved and Lane seconded a motion to accept the minutes of February 11, 2002 as drafted. The motion carried 6-0. Reid then moved to accept the minutes of the executive session of February 11, 2002 as drafted. Lane seconded the motion and it carried 5-0-1 with Holzman abstaining.

### Report from Selectmen's Meeting: 2/12/02

Zinicola reported that she, Lane and Hara attended this meeting. FinCom explained the dire situation of the FY03 budget, but board and committee representatives were not given an opportunity to speak. Instead, Zinicola drafted a letter to the Board of Selectmen regarding funding of grade upgrades and merit. Mansfield noted that he is also eligible for a step increase this year. Zinicola agreed to add a paragraph relevant to the step increase. The Board discussed the draft and suggested some other minor revisions. Abend agreed to sign and forward the letter to the Selectmen, and to attend their meeting tomorrow evening.

### Community Development Plan Task Force

Lane reported that he attended the MAGIC breakfast which focused on the State budget. He spoke with a planning board member from Acton, who indicated that Acton was not likely to go forward with the Community Development Plan. According to MAPC coordinator Judy Allard, however, Acton, Boxborough, Hudson and Stow are the only communities in the MAGIC region who have submitted their initial agreement letters. Lane agreed to speak with the Selectmen and encourage them to submit this non-binding agreement letter. He will also continue trying to contact Bedford and Concord regarding possible coordination of a regional traffic plan.

Reid noted that the Planning Board has not been given an opportunity to review the MAPC Build-out Analysis and asked the PA to obtain a copy if possible.

### Town Meeting Warrant

Abend asked if the Board was interested in presenting a demolition delay bylaw at Town Meeting. Reid did not feel this was appropriate for Carlisle and did not wish to pursue this bylaw change. Hara stated that she will present the idea to the Historic Commission at tomorrow's meeting. Mansfield noted that the Town Meeting warrant closes on March 12<sup>th</sup>.

Holzman noted that the town of Harvard has regulations which give the Planning Board authority to review individual private driveways over 125' long. Board members expressed interest in considering such a regulation or bylaw for Carlisle. Abend offered to research this regulation since he is currently working on a project in Harvard.

### **Consulting Engineers**

The Board asked the PA to draft a Request for Qualifications letter to be sent to the four engineers listed on Stam's 2/21/02 memo to the Board. The requests should be sent by March 1<sup>st</sup> with response requested by April 1, 2002.

### **Public Hearing: Common Driveway Special Permit, 138 East Street, Map 22, Parcels 62B & 63D, Theodore Treibick, applicant**

Theodore Treibick was present with his engineer Gary Shepard of David Ross Associates. The following members of the public were also in attendance: Carolyn Kiely of 132 Hartwell Road, Tarik Samman of 148 Fifty Acre Way, M. Lawrence Barton of 160 Elizabeth Ridge Road and Fred Lewis of 141 Bedford Road.

Shepard apologized that the previous common driveway permit had not been recorded within the required period, and stated that the plan currently before the Board is identical to the plan approved by the Board in Feb. 2001. The only modification has been the addition of a second endorsement box and a second signature line for the Town Clerk. The Board asked Shepard to add a note under the first endorsement box stating that the special permit and plan was not recorded and therefore lapsed. Shepard agreed to do so and also noted that the plan references the ANR plan showing the current property lines.

The applicant requested a waiver of the application fee and the project review fee because this is simply a reapplication of the previous plan. Reid felt that the application fee should not be waived since significant staff time has already been expended on this matter, and more is expected. The Board agreed to waive the project review fee since funds are still available in that account, but not the application fee.

Carolyn Kiely stated that she is representing abutter Carlisle Extended Day. She referred to a February 21, 2002 letter to the PB with attachments and noted that in August 1999, Extended Day purchased the property at 142 East Street with access and utility easements over the Treibick property. She has conducted a limited title search and did not find any indication that these easements had been released. Kiely requested that the plans be revised to show the easement and that the special permit decision include these easement rights.

Treibick presented a copy of his deed for purchase of the property in 1983 and noted that the access easement would terminate if he relocated the driveway and recorded the plan at the Middlesex Registry of Deeds. Treibick said he has done so and the plans are recorded in Book 207, Page 119. The Board asked Treibick to present evidence of this recording at the next meeting. Treibick agreed and stated that the utility easement is still in place. The Board asked Shepard to revise the plan to show the utility easement.

Mansfield reported that the Planning Board had received an application for a Common Driveway Special Permit on 1/24/83. Because this driveway had already been built, the PB waived the requirement for a plan and instead asked that it be shown as a dotted line on the ANR plan. It is noteworthy that the property was then sold to Mr. Treibick on 1/25/83.

Abend suggested that the 1983 common driveway special permit should be revoked, but the Board decided that without the access easement, the driveway could not be built, thereby rendering the special permit moot.

Treibick explained that the utilities for Extended Day currently come from a utility pole on East Street to a utility pole on his driveway. From there, the utilities run underground across his property to Carlisle Extended Day. Treibick stated that he would bury the utilities from the road onto his property during construction of the common driveway. He noted that the utility company would maintain facilities on the road, but Extended Day would be responsible for maintenance across his property.

Tarik Samman, Vice President of Carlisle Extended Day, asked for clarification of private and public maintenance. He understood from the phone company that they maintain the lines all the way to the house, not just the property line. The

Board suggested that Samman clarify this issue with the utility companies. Kiely thought that maintenance of underground utilities could be more costly to Extended Day.

The Board asked Treibick and Carlisle Extended Day to work together to resolve the issues concerning the utility easement and maintenance. Because some revisions are required, the Board also asked Shepard to submit a completely new plan without the previous endorsement shown.

Reid moved to continue the public hearing to March 11, 2002 at 7:45 p.m. Lane seconded the motion and it carried 6-0.

#### **Discussion of proposed amendments to Subdivision Rules and Regulations**

Mansfield asked Board members to forward any recommended changes to Epstein via e-mail within the next two days. The Board then reviewed Town Counsel opinion #89 regarding maintenance of subdivision roads and limitation of the number of subdivision lots. The Board was not clear whether drainage, sidewalks or other improvements could be excluded from roadway maintenance and therefore be subject to a separate, private maintenance agreement. Abend, Epstein and Mansfield will work with Town Counsel to resolve this issue.

Board members suggested that lot number limitation should be noted on each individual lot deed as well as on the approved definitive subdivision plan. This also will be discussed with Town Counsel

The Board agreed that if these two issues are finalized, the public hearing for revisions to the subdivision rules and regulations should be advertised for 7:45 p.m. on March 25, 2002. Reid suggested that if the maintenance issue cannot be resolved quickly the Board should still move forward with the public hearing and include the maintenance revisions at a later date.

#### **Discussion of Proposed Wireless Study**

The Board reviewed a draft Request for Proposals prepared by Mansfield and suggested some minor revisions. He was asked to add Kreines and Kreines to the list of engineers and to send the request by 3/1/02. Reply should be requested by 4/1/02.

#### **Update of "informal conceptual plan" for subdivision of land at 570 West Street, Map 6, Lot 66**

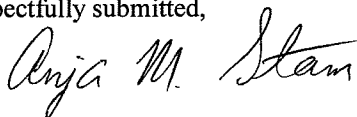
Mansfield reported that he met with Brophy on 2/12/02. Brophy would like to preserve as much land as possible, and therefore would prefer not to build a subdivision road. Brophy also stated that he would donate one lot for conservation if he can gain approval for four building lots on the parcel. According to Town Counsel, a paper street may not be used to calculate frontage, but a fifty-foot easement on adjacent property may be used for construction of a subdivision road. Mansfield reported that he and Brophy had also discussed a shorter cul-de-sac and a 3-lot subdivision option. The Board was reluctant to give more advice or attention to this matter without a formal application.

#### **Discussion of strategy with regard to pending litigation, Valchuis et al. v. Planning Board, Berry Corner Lane, Map 7, Parcel 29 (executive session)**

At 9:40, Reid moved to go into executive session to discuss the pending litigation, not to return to regular session. Lane seconded the motion. The Board was polled and unanimously agreed to go into executive session.

At 10:05 p.m. Abend moved and Lane seconded a motion to exit the executive session and to adjourn. The Board was polled and unanimously approved the motion.

Respectfully submitted,



Anja M. Stam  
Administrative Assistant